

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MONICA NAVARRO PIMENTEL,  
individually and on behalf of a class of similarly  
situated persons,

Plaintiff,

v.

SUSAN DREYFUS, in her official capacity as  
Secretary of the Washington State Department  
of Social and Health Services,

Defendant.

NO. 2:11-cv-00119

MOTION TO CLARIFY PRELIMINARY  
INJUNCTION ORDER

NOTE ON MOTION CALENDAR:

March 4, 2011

**I. BACKGROUND**

This Court entered a Preliminary Injunction Order on February 17, 2011. Dkt. 37. The Court previously entered an Order Granting Class Certification and a Temporary Restraining Order on January 27, 2011. Dkt. 16. The Class Certification Order certified a class and subclass as follows:

(1) all Washington state residents who

(a) were receiving state-funded Basic Food benefits under the FAP and received notification that these benefits would terminate on January 31, 2011 because

there was no funding for the program; or

(b) in the future would be eligible for the Washington State Basic Food Program, but for the fact that they do not meet citizenship and alien status requirements of WAC 388-4224-0020 and who are either qualified aliens or Permanently Residing Under Color of Law (PRUCOL) in the United States as defined in WAC 388-424-0001.

(2) For purposes of the due process claim, Washington state residents who

(a) are receiving state-funded Basic Food benefits now and whose benefits are being reduced or terminated effective February 1, 2011.

*Id.* at pp. 3-4.

The Temporary Restraining Order ordered Defendant, in pertinent part, “not to terminate Plaintiff’s or other Class members’ state-funded food assistance under the Food Assistance Program for Legal Immigrants on January 31, 2011 or to *deny* any Class members’ application for such benefits after that date because of lack of funding.” *Id.* at pp.13-14.

(Emphasis added.)

The Preliminary Injunction Order enjoined Defendant from “terminating Plaintiff’s or other Class members’ state-funded food assistance under the Food Assistance Program for Legal Immigrants while this litigation is pending”, but did not enjoin Defendant from denying any Class members’ application for such benefits because of lack of funding while this litigation is pending. Dkt. 37, pp. 17-18.

## II. MOTION

Plaintiff moves the Court for an order clarifying the Preliminary Injunction. She asks the Court to modify the Order Granting Preliminary Injunction so as to enjoin Defendant from denying any Class members’ application for Food Assistance Program for Legal Immigrants benefits because of lack of funding while this litigation is pending. This requested relief tracks

1 the relief the Court ordered in the Temporary Restraining Order.<sup>1</sup> This makes sense given the  
2 composition of the class certified by the Court which includes:

3 (1) all Washington state residents who

4 (b) in the future would be eligible for the Washington State Basic Food Program,  
5 but for the fact that they do not meet citizenship and alien status requirements of  
6 WAC 388-4224-0020 and who are either qualified aliens or Permanently  
7 Residing Under Color of Law (PRUCOL) in the United States as defined in  
8 WAC 388-424-0001.

9 Dkt. 16 at pp. 3-4.

10 Unless the Order Granting Preliminary Injunction is modified, Defendant will be  
11 permitted to deny food assistance benefits to (1)(b) Class members on the basis of lack of  
12 funding.

13  
14 DATED: February 17, 2011

15 COLUMBIA LEGAL SERVICES

16  
17 s/ Amy L. Crewdson

18 Gregory D. Provenzano (WSBA # 12794)  
19 Amy L. Crewdson (WSBA # 9468)  
20 Attorneys for Plaintiff

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<sup>1</sup> Plaintiff's proposed Preliminary Injunction Order included this relief. *See* Dkt. 33, p. 17, lines 15-16.

**CERTIFICATE OF SERVICE**

I certify, under penalty of perjury under the laws of the United States of America and the State of Washington, that on February 17, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel on the Electronic Mail Notice List as shown below.

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

Joseph Christy, Jr. JoeC@atg.wa.gov

Lianne Malloy LianneM@atg.wa.gov

Manual Notice List

The following are those who are currently not on the list to receive e-mail notices for this case and who are being served by separate email.

- [none]

DATED: February 17, 2011, at Olympia, Washington.

s/Amy L. Crewdson  
Amy L. Crewdson